



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

July 6, 2009

**RE: SCIOTO COUNTY  
TIRES - GEN**

Mr. Michael Migyanko  
Pike Sanitation Landfill  
120 South Lock Street  
Waverly, Ohio 45690

Dear Mr. Migyanko:

On June 23, 2009, I conducted an inspection of the Portsmouth Scrap Tire Collection Facility and the Exempt Solid Waste Transfer Facility located off Elm Street in Portsmouth, Ohio. As a result of this inspection, I have the following comments.

The Portsmouth Solid Waste Transfer Facility is an exempt facility by definition that is found in Ohio Administrative Code (OAC) 3745-27-03(A)(11) which states in part, "A facility used for the transfer of solid wastes, other than scrap tires, that consists solely of portable containers and that have an aggregate volume of fifty cubic yards or less. The waste must not be placed on the ground or waste handling floor."

During this inspection, I observed hydraulic oil in the pit area and entering the storm drain. The hydraulic oil is coming from the compactor's hydraulic shaft that is leaking. The platform that holds the compactor has also shifted and the plate that is on top of the compactor may be warped. This is causing solid waste that is compacted into the trucks to spill into the pit area. To maintain an exempt status as a solid waste transfer station, waste must not be on the floor. The waste that is on the floor is considered open dumping of solid waste.

Open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

Presently, the Portsmouth Exempt Transfer Station is in violation of the following referenced laws and rules.

1. ORC Section 3734.03 states, "No person shall dispose of solid wastes by open dumping or open burning."

OAC Rule 3745-27-05(C) states, "No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734, of the Revised Code, and shall submit verification that the solid waste has been properly managed."

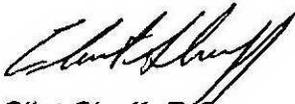
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Please respond to this district office within ten days of receipt of this letter to inform me of your intentions and actions taken regarding the condition of the compactor, the leaking hydraulic fluid, and the solid waste in the pit.

Compliance with the requirements outlined in the letter, or the solid and infectious waste provisions contained on ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his or her obligation to comply with other applicable State and Federal laws and regulations.

Should you have questions, please contact me at this office at (740) 380-5246.

Sincerely,



Clint Shuff, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

CS/jg

cc: Mike Trapp, Scioto County Health Department  
Dan Palmer, Lawrence and Scioto County Solid Waste Management District  
Peggy Burton, Portsmouth City Health Department  
Chris Murphy, Portsmouth City Service Director